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## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted to the U.S. Patent & Trademark Office  
in accordance with 37 CFR § 1.6(d) on the date indicated.

*Karen Zeller*  
Name

*Aug. 3, 2006*  
Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: T. Cech et al.

Art Unit: 1634

Filing Date: Nov. 19, 1997

Examiner: Carla J. Myers, Ph.D.

Serial No: 08/974,584

Docket: 015389-002950US  
018/206p2Title: FUNCTIONAL HOMOLOGS OF HUMAN  
TELOMERASE REVERSE TRANSCRIPTASE  
CONTAINING THE TELOMERASE T MOTIF

## SECOND DECLARATION UNDER 37 CFR § 1.132

CALVIN B. HARLEY, Ph.D.

Commissioner for Patents  
Alexandria VA 22313

Dear Sir:

I, CALVIN HARLEY, do hereby declare as follows:

I understand the Examiner has asked questions relating to the sequences described and claimed in U.S. Patent 6,309,867, filed on October 29, 1999.

PATENT  
USSN 08/974,584  
Docket 002950US; 018/206p2

Just as in U.S. Patent 6,093,809 referred to in my last Declaration, the 6,309,867 Patent describes the cloning and sequencing of genes for telomerase reverse transcriptase obtained from several single-celled organisms, and from human cells. The human TRT sequence was obtained through a collaboration between Thomas Cech, Joachim Lingner, and Toru Nakamura of the University of Colorado, and Karen B. Chapman, Gregg B. Morin, Calvin B. Harley, and William Andrews at Geron Corporation.

Even though various TRT sequences are disclosed, the 6,309,867 Patent only claims SEQ. ID NO:69, which is the protein sequence of TRT for *Schizosaccharomyces pombe*. Like other single celled organisms, this sequence is less than 50% identical to that of human TRT protein. The *pombe* sequence was obtained by Thomas Cech and Toru Nakamura, and the inventorship of the patent is indicated accordingly.

I hereby declare that all statements made in this Declaration of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

2006.08.03  
Date

Calvin B. Harley  
Calvin B. Harley, Ph.D.  
Menlo Park, CA